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Dan Smoot Report

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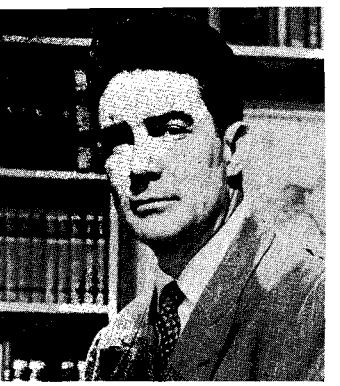

DAN SMOOT

THERE OUGHT NOT TO BE A LAW

On August 1, 1966, U.S. Representative Thomas Abernethy inserted in the *Congressional Record* a letter written by Donald Jackson, a Negro who lives in Buffalo, New York. Mr. Jackson said:

"I am a Negro who attended college in Mississippi and am the author of two books . . . . the editor and publisher of a monthly called *Wire Magazine* . . . . [and] probably the only Negro manager of a 'Let Freedom Ring' station in the United States.

"Why haven't the voices of the intelligent, decent, respectable Negroes of Mississippi been heard? It's heartbreaking to read in the press and to see on television the vicious, untruthful statements regarding the citizens of Mississippi.

"James Meredith, who now lives in New York City, should try cleaning up the terrible conditions existing in New York and the Negro community. In many areas, it is unsafe for male or female to walk, or even to ride a subway, without being attacked.

"Representative Adam Clayton Powell, Jr.'s., district has over 60 percent of the people living there unregistered, and not eligible to vote. The crime rate in New York City in the Negro community is 1,000 percent higher than the white community and 500 percent higher than any other in the country. The illegitimacy rate in the Negro community in New York City is 43.41 percent.

"The Negro clergy of the National Council of Churches are the Negro people's greatest enemy. You no doubt have already seen where many Negro clergy bleed their members for money. Their sole interest seems to be a fine new church where they can bring other ministers to show off a late model Cadillac and a big salary.

"The Negroes of Mississippi should check the background of some of the travelers and clergy in the Civil Rights movement. You will find automobile thieves, bootleggers of whiskey, rapists, pro-communist sympathizers and publicity-seeking hounds, using God's most holy temple to plot evil against his brother under the guise it is helping the Negroes, when this conspiracy is directed and encouraged by the communist party.

THE DAN SMOOT REPORT is published weekly by The Dan Smoot Report, Inc., Box 9538, Dallas, Texas 75214 (office at 6441 Gaston Ave.). Subscriptions: $18.00 for 2 years; $10.00, 1 year; $6.00, 6 months; first class, $12.50 a year; airmail, $14.50. Dan Smoot was born in Missouri, reared in Texas. With BA and MA degrees from SMU (1938 and 1940), he joined the Harvard faculty (1941) as a Teaching Fellow, doing graduate work in American civilization. From 1942 to 1951, he was an FBI agent; from 1951 to 1955, a commentator on national radio and television. In 1955, he started his present independent, free-enterprise business: publishing this REPORT and abbreviating it each week for radio and TV broadcasts available for commercial sponsorship by business firms.

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"Any Negro who is a member of a church that holds these hate meetings under the guise that it is for civil rights, should boot the preachers out of their church. Many of you have been fooled by the press that the KKK shot James Meredith. Many of you know about guns. Birdshot will kill a bird but it will take a shot of birdshot at very close range to seriously injure a human being.

"The liberal press wants you to believe that the man that was supposed to have shot Meredith was plotting to take his life. I'm sure you will have heard that this gentleman called Mr. Meredith twice by his name before firing a single shot. If this man had wanted to kill Meredith he would have . . . [used a] rifle . . . .

"Meredith had his press secretary on hand taking a picture of Meredith hitting the ground . . . of the gunman and a clergy praying. It is obvious this whole affair was well planned.

"You Negroes should . . . tell Doctor King and his group of professional rabble-rousers . . . that the Mississippians . . . can handle their problems without that beatnik trash that comes to the South for the sole purpose of exploiting the Negro and his problems."

Negro uprisings result, not from white abuse of Negroes, but from activities organized by enemies of our society. Evidence of this was piling up in the summer of 1966, the Jackson letter being only one item that was widely publicized. Despite the evidence, President Johnson pressed Congress to pass another unconstitutional civil rights law which — like the four unconstitutional civil rights laws preceding it in 1957, 1960, 1964, and 1965 — is predicated on the assumption that widespread white abuse necessitates special federal laws to protect Negroes. On August 9, the House passed the Civil Rights Act of 1966, by a vote of 259 to 157.

Johnson had asked Congress to outlaw "racial discrimination" in all types of housing, from the renting of a single room in a one-family home, to the financing, selling, leasing, or renting of huge apartment complexes and real-estate developments. This would have violated our precious *right to choose our close associates* — would have severely restricted our right to possess, manage, and sell real estate. The House of Representatives decided to violate the rights of some Americans, but not all. The bill it passed on August 9 would exempt, from the open-housing provisions, persons renting rooms in their own homes; owner-occupants of dwellings with no more than four living units; nonprofit religious, charitable, and educational organizations.[1]

The House-passed bill would tamper with the American jury system by outlawing racial discrimination in the selection of state and local juries; outlaw the practice of selective impanelling of jurors for federal courts; provide federal penalties (including life sentences) for persons interfering with civil rights activists.[1]

Just before passing the Civil Rights Act, the House added to it an amendment (proposed by Representative William C. Cramer) to outlaw interstate travel for the purpose of inciting or participating in riots or other civil disturbances. This is the one provision of the bill aimed at civil rights agitators; but they made little public comment about it. Perhaps they realized that if they stridently criticized the Cramer Amendment they would be admitting, by implication, that they do travel in interstate commerce to incite lawless insurrections.

For the most part, civil rights agitators spoke contemptuously of the House-passed Civil Rights Act of 1966, making quite clear that the bill will not pacify them or stop their incitations of guerrilla warfare in the streets of American cities.

Martin Luther King, for example, pronounced the bill "virtually useless," because its open-housing provisions were not all-inclusive.[2] On August 10, one of King's chief aides (the Reverend Walter E. Fauntroy), ignoring the civil rights bill passed by the House the day before, said Negroes will not be satisfied until Congress appropriates 100 billion dollars for the special and exclusive benefit of Negroes.[3]

Our racial problem grows worse with every

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civil rights law passed by Congress. Agitation for the bills, and the terms of the bills themselves, deepen the conviction of misinformed Negroes that whites are hateful oppressors responsible for all Negro problems. This makes it easier for agitators to bleed money from the followers they are leading to disaster, and adds fuel to the fires of race hatred and violence.

It is an old American habit to say "there ought to be a law" when public problems become apparent. In most cases, we should say "there ought not to be a law — especially a federal law." If Congress would eliminate obnoxious, unconstitutional legislation already enacted, instead of passing more, the magic of freedom would solve most of our major national problems. If the Senate refused to pass the Civil Rights Act of 1966 already approved by the House, and if Congress repealed the four Civil Rights Acts passed since 1957, we could have some hope of return to racial harmony in the United States.

There are few major national problems that Congress could not solve — or, at least, help solve — by repealing undesirable laws, by refusing to pass any more, and by prohibiting unconstitutional federal meddling, which is generally the primary cause of the problems.

Consider the problem of strikes.

Last year, the United States lost 23 million man-days of production because of strikes; West Germany lost 49 thousand man-days; France lost 1 million; Great Britain lost 3 million; Japan lost 4.9 million.[4] Analyzing these figures on a per capita basis — taking into consideration the differences in population size — we find that strikes are a much greater burden on our economy than on that of any other nation. For example, West Germany's strike losses last year were less than 1% of ours.

A small group under the leadership of two or three union bosses can shut down great industries vital to the national security and to the general welfare of all the people — at ruinous cost, not only to the struck industries but to related businesses and to the economy of the nation.

Strikes and the threat of strikes are among the reasons for our soaring living costs; among the reasons why the cost of doing business in the United States is so high that great industries (like shipbuilding) are almost dead, while rival industries flourish in foreign lands; among the reasons why American industries are curtailing or stopping production here, building plants abroad.

Yet, the President and Congress act as if a strike is something sacred. During the machinists' strike (which shut down 60% of the nation's commercial airlines for six weeks in the summer of 1966), Congress struggled vainly to contrive a measure that would force machinists back to work, but place the onus for doing so on the President. Johnson — always quick to assert executive authority, often illegally and unnecessarily, in other matters — avoided action to end the machinists' strike, fearing to offend union bosses.

What should Congress do about strikes that hurt millions of people, severly damage the national economy, and adversely affect national defense? It should not pass any new labor laws at all. The solution lies in a free-market economy where government is prohibited from giving one group special advantage over another.

Workers should have the freedom to strike when they please; but they should not have the tyrannical, special-privilege power which federal laws have given them — that is, the power to prevent others from taking jobs they quit.

Within two weeks after the machinists struck, the airlines could have hired and trained enough non-union men to carry on. If airlines had done so, making it clear that they would never rehire any of the strikers; and if all other employers had the freedom to do the same, we would have no more crippling nationwide strikes.

Federal laws, however, prevent employers from acting to protect the country and their own busi-

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nesses. If the airlines had replaced striking machinists with non-union workers, the federal government would have prosecuted the airlines for "unfair labor practices" and breach of labor contracts, under terms of the National Labor Relations Act of 1935 (as amended by Taft-Hartley and other legislation). The government would also have prosecuted airlines under the Railway Labor Act of 1926, which (as amended in 1951) legalizes compulsory union membership for railway and airline employees.[5]

Monopolistic unions with the power to shut down nationwide industries would die without the special privileges and special immunities that discriminatory federal laws give them.

It is absurd to say that, without such laws, workers would be helpless pawns of their employers. Today, there is more competition for good workers than there is competition for jobs. Good workers — whether they negotiate with their employers as individuals or band together with others to negotiate as a group — could get better wages and better chances of promotion than they now get as members of big monopolistic unions. Companies that have labor contracts with big unions (under conditions prescribed by federal law) do not have freedom to pay workers what they are worth; do not have freedom to give individual pay raises on the basis of merit; do not have freedom to reward individual workers for superior performance; do not have freedom to cut costs by weeding out, or reducing the wages, of workers who are not worth what they are getting.

Enacted for the ostensible purpose of protecting workers from employers, federal labor laws have made workers victims of union bosses. In a free, competitive labor market, good workers would not have to endure abuse from employers, because they could sell their services to a rival business firm; but workers have no recourse against a union which has a monopoly, protected from competition by federal laws.

Adding new federal labor laws to those already in existence would make matters worse. There ought not to be a federal labor law, just as there ought not be a federal civil rights law.

Congress should repeal all labor laws and refuse to pass any more, permitting competition in a free-market economy to solve the problem of disastrous nationwide strikes.

Persuading Congress to repeal all labor laws and all civil rights acts may seem an impossible goal; but, since this is the only action that will help solve some of our most critical domestic problems, this is the goal we must set for ourselves.

SUGGESTION: Urge both U.S. Senators from your state to vote against the Civil Rights Act of 1966. By distributing to others such information and ideas as are in this *Report*, help create the climate of informed public opinion that *will* persuade Congress to repeal unconstitutional, ineffective legislation, so that *all* Americans can live under the protection of lawful, constitutional government.

FOOTNOTES

(1) *Congressional Quarterly Weekly Report*, August 12, 1966, p. 1723

(2) AP story, *The Dallas Times Herald*, August 9, 1966, p. 4A

(3) AP story from Jackson, Miss., *The Dallas Times Herald*, August 10, 1966, p. 11A

(4) *U.S. News & World Report*, August 15, 1966, p. 85

(5) Press Release #325, National Right to Work Committee, August 9, 1966, 1900 L Street, Washington, D.C. 20036

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